

## Petition to Substitute Examiner Complain to an Examiner

Dear Deputy Commissioner,  
Directors of 2600 group,

After suffering the examiner's careless, mean, and retaliation attitude for near a year, who is assigned for our application 10,707,714. we are no longer withstand him, Mr. Behrooz Senfi. We need a new examiner, who is responsible and no personal preference.

### Who care ? if the examiner don't care !

The application 10,707,714 we have was filed electronically on Jan 6<sup>th</sup> 2004. The primary inventor Mr. Ray Spykerman is a 95 years old amazing senior. He is the only survival US navy who serviced in navy national intelligent service during World War II and over 17 years. He invented a driving safety view visual system since year 2000. However, his high age and his health count not make him carry on and finalize the invention project. He asked a versatile inventor, Mr. Romeo Linn's help, who has 4 patent pending applications in the USPTO office now, to carry on the patent application.

We have reminded to the examiner : Time is pressure to a 95 old senior who is weakening and weakening now. There is no too much time left for him to enjoy any beautiful thing in the world, but only expect his invention can be quick approval and let millions and millions of motor vehicles drivers enjoy using his driving safety view visual devices invention.

However, the examiner has a very cool attitude. He don't care, and don't want to communicate with us. Every single time we asked for questions, the answers were near same: " I don't know, you have to asked the Customer Service office."

His negative attitude makes him very slow productivity. And keep us waiting forever. The miserable inventor Mr. Spyerman might not be able to see his application get exam in his life time, if this application did not go petition to make special examination.

### Why always tough, apathy, careless attitude? Got spoil ?

Despite the application of us got approval in special examination status, it was never treated as special process at all.

The examiner refuge to change his way, his careless attitude ! Regardless how many times we beg him for help.

After a few months no respond from the examiner, we have to called group directors for help to move on the application processing.

### Why mean to us ? What else we can do ?

Mr. Behrooz Senfi was so mad, after he got to know from someone that we called group directors for help. He threw a word to us when we called him for progress: " You let the whole department know about this. I am not going to work on your case any more. You find other people do it."

We were shocked ! We really don't know what else we can do ? It was a long silent after that. We lost value time on endless waiting.

5 months pasted, after the application was granted as special. Not thing happen ! we feel like got abandon.

We have to submitted a request to a group director to switch examiner.

It was sad ! the request got turndown. However, it did drag attention. Just a week after, an Official Action was mail out from the examiner.

## Why retaliate to customer ?

The Office Action gave us good news and bad news. Good news is to get it after 16 months waiting with tremendous contacts effort. Bad news is that all claims, all drawings, and abstraction, of the application got rejected. The whole specification have to be re-write. We got to start over !

That is OK to redo that . But we really need help and guiding from the examiner to avoid reject again next time, since we got only a chance.

We need to learn independent claims and dependent claims format layout, and find the regulation of claims format for further study. For all these, just a little bit guiding would help us a lot, and would save us tremendous time and effort.

However, the examiner refused to help us, not even a little bit. He left us only a totally negative letter of Office Action and a due day. His negative attitude make us trembling fearful, depressive and feel no hope ! We feel the application still get turn down regardless how perfect we can make.

We had tremendous hard time to comprehend his negative words in the office action over and over while having no further explanation and assisting from the examiner.

## Why set customer up ? and let omit the due day ?

We have to take triple time and effort to study regulation of claim writing, then re-write the claims. We almost run out of the 3 months time period given by the examiner. By the last week before due, we contacted the examiner whether we can extend the due day if we do not get enough time to re-write the claims.

He responded : "Yes, you can extent it, you can extant as much time as you need."

We then feel relief a bit. But still try to catch the due day. Because he stressed the 3 months response period is not extendable in the Office Action. That is mismatch what he said.

On day 17<sup>th</sup>, before the due day October 18<sup>th</sup>, We contacted the examiner and had him pick up e-mail that we sent for the ABX version re-written specification. and we wanted him send a response to tell if that written format is ok.

We were surprised for his respond: "You have to send it by the way you filed this application to. Don't send to me, I don't take it !"

"We filed it by e-PAVE- electronic on line. But electronic filing dose not support amendment file submission . You are our examiner, you are the one to read this article, why don't just take our e-mail with the ABX file direct? The ABX file can be save in PTO database directly without your re-type the whole article."

"I don't take it ! I will delete it if you send it by e-mail! " he threw hard words to us.

" What ?!" "Can you just forward the ABX file to someone in some department who files document ? "

" I don't have time to do that, you have to file it by mail" he said.

"where should we send to ?" We asked,

"You have to go USPTO web site to find the mailing address. " He said.

"The website is so large, we had difficulty to location the specific mailing address for the office action response . Besides, the website mailing address is a general mail box, We lost an amendment mail to the general mail box last year. Can you give us a specific mailing address for this urgent document ?"

" I got a lot work to do, you have to find the address yourself !" he said.

## Not intention to let us skip the due day ?

" We have only half day before due, If we mailed to a wrong address, and cause delay, we would missed the due day, and lost the case."

"That is your problem, not my problem!" he kicked back.

"Can you tell us how to extend the due day ? if we could not make it by tomorrow due day." we asked.

"Talk to the customer service office, I don't have time to talk longer on phone!" He said.

"You are the one to exam this document. You set the due for us. If you don't want to take our document directly, if you don't have time for this or that, why don't you do us a favor to pass this application to other examiner and free your time ?" we said.

"OK! but it's not my decision. You need to talk to my supervisor for that." He said.

We were really frustrated ! Didn't know why he treat us like this? So much worry for future, So many question marks ??? and didn't know what to do next. Not thing is settled down, while the due day is in pressure to us.

We have no choice but to call and get help from directors in group 2600.

## Different people produces different result !

Thanks to the director Mr. Andrew Faley, He rescued our application.

He gave us a mailing address specifically for amendment documents corresponding ;

He explained to us there is a fee charge to extend 3 months Office Action response period time. This info is so critical, and obviously not a wise option. Why the examiner did not tell us up front ? when he said it's extendable.

Director Mr. Faile reminded us twice: " make sure to mail out a response document before the due day". The examiner who set the due day for us, did not even remind us anything ! Why ?

We would have skipped the due day, If we believed what the examiner said extendable, and would lost the \$95,000 investment on the patent pending project.

The director answered us quite a few questions, such as: do not use color picture, drawing illustration need black & white etc. we never hear similar instruction from the examiner.

Thanks to the director. Without him, we must have miss the due day, and lost the application already.

A careless examiner can make an individual applicant bankruptcy !

Inventors, customers always regards an examiner in USPTO like a scientist or a professor, having broad knowledge in science , high educated, courtesy, great responsible, so that to make a holly judgment to each technology application whether it's qualify an invention or not.

Behind each pending application, massive capital and loan investment, years of time, effort, intensive research labors are involved.

Behind each individual inventors, they have limited saving, and are fragile in finance. They have to obtain a patent approval within a critical project life period, before the pending invention can be passed to a large manufacturer for massive production, then to get the investment return. If not , a little unexpected mistake due to mishandling the application, might wipe out the whole invention project, and cause the inventors bankruptcy !

If an examiner keep so careless, reject attitude, with his personal preference to treat an intellectual property application, the application would get fail before it is fair exam. A huge financial lost will happen in the applicants side.

So far, the 10,707,714 invention project has drag us over \$ 95,000 capital and near 4 years work.

## Unaware spoiled employee's attitude .

PTO office has so rapid growing business due to rapid growing of variety technologies. PTO need more man power to do the examination work, thus employee's qualification level got lower. High education background, talent, integrity, passionate to work, and courtesy to help people, responsible. All these factors were ignored.

"Over workload" is a common excuse to ignore monitoring each employee performance and checking customer service satisfaction ratio. That lead to spoil some employee's careless, mean, non-responsible, apathy, destructive retaliation attitude, especially to whom act himself like a king !

Examiner's careless fault might ruin the well know reputation of USPTO.

## No hope! unless different examiner !

"People don't change !". We have suffered such mean, retaliation, stubborn mind examiner near a year. The longer we stay with him, the more time lost and effort wasted !

Besides, PTO keep an examiner working on something he doesn't want to do, the result will be mess-up !

We beg for equal opportunity, fair examination, no personal preference, effective !

The 95 years old senior beg you.

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